

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ELIZABETH ANN BOLDEN,**

**Defendant.**

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**CIVIL ACTION NO. 6:19-CV-00242**

**COMPLAINT**

NOW COMES the United States of America and files this Complaint as follows:

**INTRODUCTION**

1. The mission of the United States Department of Veterans Affairs (“VA”) is to care for United States military veterans and their eligible dependents. As a part of that mission, the VA is charged with all aspects of managing veterans benefits programs.

2. The VA manages several programs including the dependency and indemnity compensation program which pays monthly benefits to the surviving spouse of a veteran. 38 U.S.C. §1311. The program does not pay benefits to non-dependent children.

3. This action seeks triple damages and civil monetary penalties under the False Claims Act based upon the false claims and false records or statements made or used by Elizabeth Ann Bolden (“Bolden” or “Defendant”) in order to obtain VA benefits. Alternatively, this action seeks damages for payment by mistake of fact, unjust enrichment and conversion.

**PARTIES**

4. Plaintiff is the United States of America.

5. The Defendant is Elizabeth Ann Bolden. Bolden is a resident of Temple, Texas.

**JURISDICTION AND VENUE**

6. This Court has jurisdiction pursuant to 31 U.S.C. §3732(a), 28 U.S.C. § 1331, and 28 U.S.C. §1345.

7. Venue is proper in the Western District of Texas under 28 U.S.C. §1391(b) and 31 U.S.C. §3732(a) because the conduct which gave rise to this complaint occurred here.

**STATEMENT OF THE CASE**

8. Bolden is the surviving daughter of Edgar and Ruth Simpson.

9. Edgar Simpson received VA benefits based on his military service. Edgar Simpson died in 2006.

10. As the surviving spouse of Edgar Simpson, Ruth J. Simpson was entitled to dependency and indemnity compensation benefits from the VA following Edgar Simpson's death. Ruth Simpson died in November 2011.

11. At the time of Ruth Simpson's death, Bolden was not a dependent child of Ruth Simpson and was not entitled to Ruth Simpson's dependency and indemnity compensation benefits.

12. Following Ruth Simpson's death, Bolden continued to receive checks payable to Ruth Simpson. Bolden deposited these checks and used the funds for her own benefit. Bolden was not entitled to the benefits, but retained these payments. Bolden did not return any of these

payments to the VA, she did not inform the VA of Ruth Simpson's death, and she did not inform the VA that the payments for Ruth Simpson should cease.

13. The payments Bolden received in Ruth Simpson's name from the VA following Ruth Simpson's death are reflected in the chart below:

<b>Payment Date</b>	<b>Amount</b>
<b>12/30/2012</b>	<b>\$ 1,215.00</b>
<b>2/1/2013</b>	<b>\$ 1,215.00</b>
<b>3/1/2012</b>	<b>\$ 1,215.00</b>
<b>4/1/2013</b>	<b>\$ 1,215.00</b>
<b>5/1/2013</b>	<b>\$ 1,215.00</b>
<b>5/31/2013</b>	<b>\$ 1,215.00</b>
<b>7/1/2013</b>	<b>\$ 1,215.00</b>
<b>8/1/2013</b>	<b>\$ 1,215.00</b>
<b>8/30/2013</b>	<b>\$ 1,215.00</b>
<b>10/1/2013</b>	<b>\$ 1,215.00</b>
<b>11/1/2013</b>	<b>\$ 1,215.00</b>
<b>11/29/2013</b>	<b>\$ 1,215.00</b>
<b>12/31/2013</b>	<b>\$ 1,233.23</b>
<b>1/31/2014</b>	<b>\$ 1,233.23</b>
<b>2/28/2014</b>	<b>\$ 1,233.23</b>
<b>4/1/2014</b>	<b>\$ 1,233.23</b>
<b>5/1/2014</b>	<b>\$ 1,233.23</b>
<b>5/30/2014</b>	<b>\$ 1,233.23</b>
<b>7/1/2014</b>	<b>\$ 1,233.23</b>
<b>10/31/2014</b>	<b>\$ 1,233.23</b>
<b>12/1/2014</b>	<b>\$ 1,233.23</b>
<b>12/31/2014</b>	<b>\$ 1,254.19</b>
<b>1/30/2015</b>	<b>\$ 1,254.19</b>
<b>2/27/2015</b>	<b>\$ 1,254.19</b>
<b>4/1/2015</b>	<b>\$ 1,254.19</b>
<b>5/1/2015</b>	<b>\$ 1,254.19</b>
<b>6/1/2015</b>	<b>\$ 1,254.19</b>
<b>7/1/2015</b>	<b>\$ 1,254.19</b>
<b>TOTAL</b>	<b>\$ 34,458.40</b>

14. As a result of Bolden's false statements and failure to disclose Ruth Simpson's death, the VA paid benefits to which Bolden was not entitled in the approximate amount of \$34,458.40.

**FIRST CAUSE OF ACTION**  
**FALSE CLAIMS ACT, 31 U.S.C. § 3729(a)(1)(G)**

15. The United States re-alleges and incorporates the preceding paragraphs.

16. By virtue of the acts described above, Bolden knowingly made, used, or caused to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, and knowingly concealed or knowingly and improperly avoided or decreased an obligation to pay or transmit money or property to the Government, all in violation of the False Claims Act, 31 U.S.C. § 3729(a)(1)(G).

17. The United States suffered actual damages of at least \$34,458.40, and is entitled to treble damages of \$103,375.20, and civil penalties under the False Claims Act, 31 U.S.C. §3729 et seq. as amended.

**SECOND CAUSE OF ACTION**  
**PAYMENT BY MISTAKE OF FACT**

18. The United States re-alleges and incorporates the preceding paragraphs.

19. As a result of the conduct described above, Bolden obtained federal funds that were not properly payable.

20. At the time such payments were made, the United States, through the VA, was not aware of Bolden's wrongful conduct or Ruth Simpson's death. Had the VA known that Ruth Simpson was deceased, it would not have approved the continued payment of her VA benefits to Bolden. All payments made after Ruth Simpson's death were done by mistake of fact.

21. As a consequence, the United States is entitled to recover those funds which were mistakenly paid in the amount of \$34,458.40.

**THIRD CAUSE OF ACTION**  
**UNJUST ENRICHMENT**

22. The United States re-alleges and incorporates the preceding paragraphs.

23. As a result of the conduct described above, Bolden obtained federal funds to which she was not entitled.

24. In consequence of the acts set forth above, Bolden has been unjustly enriched at the expense of the United States under circumstances directing that in equity and good conscious, the money should be returned to the United States.

**FOURTH CAUSE OF ACTION**  
**CONVERSION**

25. The United States re-alleges and incorporates the preceding paragraphs.

26. This is a claim for conversion of government property.

27. Bolden obtained funds belonging to the United States.

28. Bolden retained, dissipated, and failed to return VA benefit funds to the United States.

29. Bolden wrongfully exercised dominion and control over VA benefit funds to the exclusion of and inconsistent with the rights of the United States.

30. Bolden acted with malice.

31. Bolden's continuous and long-term acceptance, taking, and dispensing of funds was wanton and malicious.

32. Bolden is liable to the United States for actual and exemplary damages, in amounts to be determined at trial.

**CONCLUSION**

WHEREFORE, Plaintiff prays that that the Court grant judgment for the United States against Bolden as follows:

1. For civil penalties for each false claim, pursuant to 31 U.S.C. § 3729(a);
2. For three times the amount of actual damages proved pursuant to 31 U.S.C. § 3729(a);
3. For damages proved for payments made under mistake of fact, unjust enrichment, and conversion; and
4. For reasonable attorney's fees, costs, and expenses incurred by the United States in prosecuting this action;
5. Post-judgment interest at the rates permitted by law; and
6. For such other and further relief as may be appropriate and authorized by law.

Respectfully submitted,

**JOHN F. BASH**  
United States Attorney

By: /s/Jacquelyn M. Christilles  
**JACQUELYN M. CHRISTILLES**  
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E-mail: jacquelyn.christilles@usdoj.gov  
**ATTORNEYS FOR**  
**UNITED STATES OF AMERICA**

IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

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VERIFICATION OF COMPLAINT

I, Scott Jones, Special Agent of the Department of Veterans Affairs Office of Inspector General Criminal Investigations Division, have read the Complaint in this action and state that its factual contents are true and correct to the best of my knowledge.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 3 day of April, 2019

  
SPECIAL AGENT SCOTT JONES

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_